

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 1:24-cr-119

Plaintiff,

v.

THOMAS CHARLES DAVIS,

HON. ROBERT J. JONKER
United States District Judge

Defendant.

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INFORMATION AND NOTICE OF PRIOR FELONY DRUG CONVICTION

The United States of America, by and through its attorneys, Mark A. Totten, United States Attorney for the Western District of Michigan, and Dan McGraw, Assistant United States Attorney, files this information and notice of prior felony drug conviction to inform the Court and the Defendant, Thomas Charles Davis, that if the Defendant is convicted of the sole count in the Indictment, the Defendant is subject to enhanced penalties under the Controlled Substances Act, and states as follows:

1. On August 28, 2024, the Defendant, Thomas Charles Davis, was charged by Indictment with possession with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C).

2. Pursuant to 21 U.S.C. § 851, the United States hereby notifies the Court and the Defendant that the Defendant has a prior felony drug offense conviction that became final before the date set forth in the Indictment. *See* 21 U.S.C. § 802(44). The Indictment charges that the Defendant possessed with intent to distribute controlled

substances on or about July 24, 2024.

3. The Defendant incurred the following prior felony drug offense conviction, which the government may rely on to enhance his sentence pursuant to section 851:

a. On or about December 23, 2008, the Defendant was sentenced to 210 months in prison after he was convicted of conspiracy to distribute and possess with intent to distribute 5 grams or more of cocaine base, in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B)(iii). This felony drug offense conviction occurred in the United States District Court for the Western District of Michigan, Case No. 1:08-cr-00165-RJJ.

4. This prior felony drug offense conviction subjects the Defendant to enhanced penalties if he is convicted of the sole count in the Indictment. More specifically, the statutory provision applicable to the offense charged in the Indictment states: “If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years . . . [and] a fine not to exceed . . . \$2,000,000.” 21 U.S.C. § 841(b)(1)(C). The term of supervised release must be at least six years and not more than life. *Id.*

WHEREFORE, the United States of America gives notice that the Defendant, Thomas Charles Davis, has a prior felony drug offense conviction and asks that if the Defendant is found guilty of the offense set forth in the Indictment, he be sentenced in accordance with the enhancement provisions of 21 U.S.C. §§ 841(b)(1)(C).

Respectfully submitted,

MARK A. TOTTEN
United States Attorney

Date: August 29, 2024

/s/ Daniel T. McGraw
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